PTO-1390

## TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY DOCKET NUMBER

8417.87869

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO. PCT/EP2004/012875

INTERNATIONAL FILING DATE
November 12, 2004

PRIORITY DATE CLAIMED

November 12, 2003

TITLE OF INVENTION

Use of Additionally Fermented Distillers Grains for Preventing and/or Treating Increased Blood Sugar Values

APPLICANT(S) FOR DO/EO/US

ZIRZOW et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- 1. Mark This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
- 2. 
  This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
- 3. 
  This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. Please do not delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
- 4. 

   The US has been elected (Article 31).
- 5. 

  A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. 😃 is attached hereto (required only if not communicated by the International Bureau).
  - b. 💆 has been communicated by the International Bureau.
  - c. 
    is not required, as the application was filed in the United States Receiving Office (RO/US).
- 6. 

  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. 🛛 is attached hereto, (specification (23 pgs.), 31claims (5 pgs.), abstract (1pg.)).
  - b.  $\square$  has been previously submitted under 35 U.S.C. 154(d)(4).
- 7. 😃 Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. 

    are attached hereto (required only if not communicated by the International Bureau).
  - b. 

    have been communicated by the International Bureau.
  - c. \_ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. 

    have not been made and will not be made.
- 8. 
  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- 9. 

  An oath or declaration of the inventor(s) (35 U.S.C. 371<sup>©</sup>)(4)). (Unexecuted)
- 10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11. to 20. below concern document(s) or information included:

- 11. 

  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- 12. 

  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- 13. 
   □ A preliminary amendment.
- 14. Mar An Application Data Sheet under 37 CFR 1.76.
- 15. □ A substitute specification.
- 16. 

  A power of attorney and/or change of address letter.
- 17. A computer-readable form of the sequence listing in accordance with PCT Rule 13 ter. 2 and 37 CFR 1.821-1.825.
- 18. 

  A second copy of the published international application under 35 U.S.C. 154(d)(4).
- 19. 🖺 A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- 20. Ø Other items or information: German language PCT

CERTIFICATE OF MAILING BY "EXPRESS MAIL"					
"Express Mail" Mailing Labet Number EV 713736053 US					
Date of Deposit May 11, 2006					
I hereby certify that this paper or fee is being deposited with sufficient postage utilizing the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  ROGER V, SEWELL					
Cogu V. Sewell					
(Signature of person mailing)					

IAP20Rec'd PCT/PTO 11 MAY 2006

The following fees are submitted:  2.1. 8 Basic national fee (37 CFR 1.492(a))								NEY DOCKET NUMBER 417.87869			
21. 8   Basic national fee (37 CFR 1.492(a))   \$300.00   \$ 300.00							7	Calculations	PTO use only		
22. Se Examination fee (37 CRR 1.492(c)) If the Written Opinion prepared by ISA/US or the International Preliminary Examination Report prepared by IFEA/US indicates all claims satisfy provisions of PCT Article 33(1)+4)  23. Search fee (37 CRR 1.492(b)) If the Written Opinion of the ISA/US or the International Preliminary Examination Report prepared by IFEA/US indicates all claims satisfy provisions of PCT Article 33(1)+4)  Search fee (37 CRR 1.492(b)) If the Written Opinion of the ISA/US or the International Preliminary Examination Report prepared by IFEA/US indicates all claims satisfy provisions of PCT Article 33(1)+4)  Search fee (37 CRR 1.492(b)) Search fee (37 CRR 1.492(b)) All other situations  Provided to the Otifice or previously communicated to the US by the IB . \$400.00  All other situations  All other situations  Provided to the Otifice or previously communicated to the US by the IB . \$400.00  All other situations  Provided to the Otifice or previously communicated to the US by the IB . \$400.00  All other situations  Provided to the Otifice or previously communicated to the US by the IB . \$400.00  All other situations  Extra Sheets  Extra Sheets  Vernetic of the Province of Proviously of the International So sheets (excluding sequence islating or computer program listing tied in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  Total Sheets  Extra Sheets  Extra Sheets  Vernetic of the Province of Proviously of the International So sheets (excluding sequence island go computer program listing tied in an electronic medium. The fee is \$250.00  Surcharge of \$130.00 for furnishing the cash or declaration later than 30 months  from the earliest claimed priority date (37 CRR 1.492(b)).  Applicant claims small entity status. See 37 CRR 1.27. Fees above are reduced by half.  From the earliest claimed priority date (37 CRR 1.27. Fees above are reduced by half.  From the earliest claimed priority date (37 CRR 1.27. Fees above are reduced by half.  From the earli	<del>*</del>										
## If the Written Opinion prepared by ISA/US or the International Preliminary Examination Report prepared by IFEA/US indicates all claims satisfy provisions of PCT Article 33(1)+(4)											
Examination Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)   \$20.00		ľ	200.00								
All other situations											
23. Search fee (37 CFR 1.492(b))   If the Written Opinion of the ISA/US or the International Preliminary Examination Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-1(4) \$ 0.00	provisions o	0									
If the Written Opinion of the ISA/US or the International Preliminary Examination Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(11-(4) Search fee (37 CFR 1.45(6)(2) has been paid on the international application to the USPTO as an International Searching Authority \$100.00 International Search Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(11-(4) Search fee (37 CFR 1.445(6)(2) has been paid on the international application to the USPTO as an International Searching Authority \$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400.00 All other situations \$500.00  707AL OF 21, 22 and 23 =	All other situation	ons	<u> </u>			\$200.0	0				
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Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).  CLAIMS   NUMBER FILED   NUMBER FILES   RATE    Total claims   31   20   11   x   \$50.00   \$50.00    Independent Claims   1   3   0   x   \$200.00   \$0.00    MULTIPLE DEPENDENT CLAIM(S) (if applicable)   \$360.00   \$0.00    MULTIPLE DEPENDENT CLAIM(S) (if applicable)   \$360.00   \$0.00    TOTAL OF ABOVE CALCULATIONS   \$1,450.00    Q Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by that   \$7,725.00    SUBTOTAL   \$1,450.00    Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).   \$  TOTAL NATIONAL FEE   \$1,450.00    Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.   \$  TOTAL FEES ENCLOSED   \$1,450.00    Amount to be charged:   \$1,450.00    Amount to be charged:   \$1,450.00    Amount to be charged:   \$1,450.00    TOTAL FEES ENCLOSED   \$1,450.00    TO	29 - 100 =	0 / 50 =		<del></del>	×	\$250.00	ŝ	0.00			
trom the earliest claimed priority date (37 CFR 1.492(e)).  CLAIMS   NUMBER FILED   NUMBER EXTRA   RATE    Total claims   31   20   111   x   \$50.00   \$550.00    Independent Claims   1   3   0   0   x   \$200.00   \$0.00    MULTIPLE DEPENDENT CLAIM(S) (if applicable)   \$7360.00   \$0.00    MULTIPLE DEPENDENT CLAIM(S) (if applicable)   \$70TAL OF ABOVE CALCULATIONS   \$1,450.00    □ Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by half.   \$725.00    □ Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by half.   \$725.00    □ Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(ii)).   \$    ■ TOTAL NATIONAL FEE   \$1,450.00    Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.   \$    ■ TOTAL FEES ENCLOSED   \$1,450.00    Amount to be refunded:   \$   Amount to be charged:				claration later than 30			<del>-   `</del>				
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TOTAL FEES ENCLOSED = \$ 1,450.00  Amount to be refunded: \$ Amount to be refunded: \$ Amount to be charged: \$ \$  a. □ A check in the amount of \$ to cover the above fees is enclosed.  b. ☑ Please charge my Deposit Account No. 06-1135 in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.  c. ☑ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.  NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.  SEND ALL CORRESPONDENCE TO:  FITCH, EVEN, TABIN & FLANNERY 120 South LaSalle Street, Suite 1600 Chicago, IL 60603-3406 U.S.A.  Telephone: (312) 577-7000  33,112											
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overpayment to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.  NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.  SEND ALL CORRESPONDENCE TO:  FITCH, EVEN, TABIN & FLANNERY 120 South LaSalle Street, Suite 1600 Chicago, IL 60603-3406 U.S.A.  Telephone: (312) 577-7000  33,112	duplicate co	opy of this sheet is e	nciosea.								
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